


**NEW YORK STATE
SOIL AND WATER CONSERVATION COMMITTEE
1 Winners Circle, Albany, NY 12235**

M E M O R A N D U M

TO: Soil and Water Conservation Districts
FROM: Ronald T. Kaplewicz 
DATE: September 24, 2003
SUBJECT: MOU for Implementation of Agricultural Best Management Practices - SPDES General Permit for Stormwater Discharges from Construction Activity, GP-02-01

Attached is a copy of the executed MOU between NYS DEC, NYS Ag. & Mkts. and the NYS Soil and Water Conservation Committee for the implementation of agricultural best management practices as it relates to the general permit for stormwater discharge.

If you have any questions, please contact your Associate Environmental Analyst or Regional Water Quality Specialist.

RTK:cj
Encl.
cc: Staff
State Committee Voting
and Advisory Members

MEMORANDUM OF UNDERSTANDING
BETWEEN
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AND
NYS DEPARTMENT OF AGRICULTURE AND MARKETS
AND
NYS SOIL AND WATER CONSERVATION COMMITTEE
FOR
IMPLEMENTATION OF AGRICULTURAL BEST MANAGEMENT PRACTICES
IN CONFORMANCE WITH
THE SPDES GENERAL PERMIT FOR STORMWATER
DISCHARGES FROM CONSTRUCTION ACTIVITY, GP-02-01

Background

The New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Agriculture and Markets (NYSDA&M), and the New York State Soil and Water Conservation Committee (NYSSWCC) have worked cooperatively to support implementation of agricultural best management practices (AgBMP's). The implementation of these AgBMP's result in improved soil management and water quality.

However, some of the AgBMP's could be required to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). This Memorandum of Understanding clarifies which AgBMP's must be authorized by SPDES permit and which may proceed without such permitting.

Clarification

1. Operational and vegetative agricultural best management practices (BMP's), as identified in Table II (attached) of the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit.
2. Practices that are structural as identified in Table II in the "Agricultural Management Practices Catalogue for Nonpoint Source Pollution in New York State" are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit provided that such practice:
 - a. improves water quality or reduces soil erosion,
 - b. does not degrade water quality or substantially exacerbate water quantity fluctuations,
 - c. has been planned and designed to USDA/NRCS standards and specifications,
 - d. is constructed in a manner consistent with the current version of the "New York Standards and Specifications for Erosion and Sediment Control", as prepared by the Urban Erosion and Sediment Control Committee, and
 - e. disturbs less than 5 acres.

3. Wetland reconstruction projects installed in a manner consistent with the current version of the "New York Standards and Specifications for Erosion and Sediment Control", as prepared by the Urban Erosion and Sediment Control Committee, are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit.

4. Construction activities not set forth in clarification one, two, or three, such as construction of a barn or other agricultural building, silo, stock yard or pen, are not exempt by virtue of their status as agricultural activities.



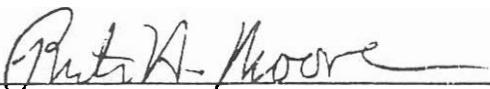
Sandra Allen, Director, Division of Water
NYS Department of Environmental Conservation

dated: SEP 10, 2003



Dennis Hill, Chair
NYS Soil and Water Conservation Committee

dated: 9/16/03, 2003



Ruth Moore, First Deputy Commissioner
NYS Department of Agriculture and Markets

dated: Sept-15, 2003

Table II. Agricultural Management Practices by Category and Lifespan

Management Practices	Management Practice Categories			Management Practice Lifespan
	Operational	Vegetative	Structural	
Access Road Improvement		●	●	Permanent
Alternative Water Supply	●		●	Temporary/Permanent
Barnyard Runoff Management System	●	●	●	Permanent
Conservation Tillage: - Minimum-Till - No-Till	● ●	● ●		Temporary Temporary
Constructed Wetlands		●	●	Permanent
Contour Farming	●			Temporary
Cover and Green Manure Crop	●	●		Temporary
Critical Area Protection: - Permanent Vegetative Cover - Streambank and Shoreline Protection	●	● ●	●	Permanent Permanent
Crop Rotation	●	●		Temporary
Diversions		●	●	Permanent
Fencing			●	Permanent

Table II. Agricultural Management Practices by Category and Lifespan (Continued)

Management Practices	Management Practice Categories			Management Practice
	Operational	Vegetative	Structural	Lifespan
Filter Strips		●		Permanent
Grassed Waterway		●	●	Permanent
Integrated Pest Management (IPM): - Biological Controls - Cultural Practices - Resistant Crop Varieties - Scouting - Trap Crops	● ● ● ● ●	● ● ●		Temporary Temporary Temporary Temporary Temporary
Irrigation Water Management: - Scheduling - Trickle Irrigation	● ●		●	Temporary Permanent
Nutrient Management: - Anaerobic Digestion - Composting - Fertilizer Management - Land Application of Manure - Manure Nutrient Analysis - Manure Storage System - Soil Testing	● ● ● ● ● ● ●		● ● ●	Temporary/Permanent Temporary/Permanent Temporary Temporary Temporary Permanent Temporary
Nutrient/Sediment Control System		●	●	Permanent

Table II. Agricultural Management Practices by Category and Lifespan (Continued)

Management Practices	Management Practice Categories			Management Practice Lifespan
	Operational	Vegetative	Structural	
Pathogen Management	●			Temporary/Permanent
Pasture Management: Short-Duration Grazing Systems		●	●	Permanent
Pesticide Management - Computerized Precision Application - Evaluation of Site-Specific Leaching and Surface Loss Potential - Pesticide Application Education and Training - Pesticide Handling Facility - Proper Equipment Calibration - Proper Timing of Pesticide Application - Read and Follow the Label Directions	● ● ● ● ● ● ●		●	Temporary Temporary Temporary Permanent Temporary Temporary Temporary
Petroleum Product Storage, Spill Prevention and Containment	●		●	Temporary/Permanent
Riparian Forest Buffer		●		Permanent
Silo Leachate Control	●	●	●	Temporary/Permanent
Stripcropping	●	●		Temporary
Terraces			●	Permanent

Table I.
MANAGEMENT PRACTICES FOR AGRICULTURE

Access Road Improvement	July '91	Irrigation Water Management:	
		Scheduling	July '95
Alternative Water Supply	July '95	Trickle Irrigation	July '91
Barnyard Runoff Management System	July '91	Nutrient Management:	July '95
Conservation Tillage:		Anaerobic Digestion	April '96
Minimum-Till	July '91	Composting	June '92
No-Till	July '91	Fertilizer Management	July '95
		Land Application of Manure	July '95
Constructed Wetlands	July '91	Manure Nutrient Analysis	July '95
		Manure Storage System	April '96
Contour Farming	July '91	Soil Testing	July '95
Cover and Green Manure Crop	July '91	Nutrient/Sediment Control System	July '91
Critical Area Protection:		Pathogen Management	April '96
Permanent Vegetative Cover	July '91	Pasture Management:	
Streambank and Shoreline	July '91	Short-Duration Grazing	July '95
Protection		Systems	
Crop Rotation	July '91	Pesticide Management:	Sept. '91
Diversions	July '91	Computerized Precision Application	Sept. '91
Fencing	July '95	Evaluation of Site-Specific Leaching	Sept. '91
Filter Strips	July '91	and Surface Loss Potential	
Grassed Waterway	July '91	Pesticide Applicator Education	
		and Training	May '94
Integrated Pest Management (IPM):	July '95	Pesticide Handling Facility	Feb. '91
Biological Controls	May '94	Proper Equipment Calibration	Sept. '91
Cultural Practices	May '94	Proper Timing of Pesticide Application	Feb. '92
Resistant Crop Varieties	May '94	Read and Follow the Label Directions	Sept. '91
Scouting	July '95		
Trap Crops	July '95	Petroleum Product Storage Spill Prevention	
		and Containment	April '96
		Riparian Forest Buffer	July '91
		Silage Leachate Control	July '95
		Stripcropping	July '91
		Terraces	April '96

Clarification of the MOU for Implementation of Agricultural Best Management Practices - SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01)

Operational & Vegetative Agricultural Management Practices that **do not** require obtaining the Stormwater Permit or implementation of Sediment & Erosion Control Practices during Construction Activities

Conservation Tillage

Minimum Till

No Till

Contour Farming

Cover and Green Manure Crop

Critical Area Protection

Permanent Vegetative Cover

Crop Rotation

Filter Strips

Integrated Pest Management

Biological Controls

Cultural Practices

Resistant Crop Varieties

Scouting

Trap Crops

Irrigation Water Management

Scheduling

Nutrient Management

Fertilizer Management

Land application of Manure

Manure Nutrient Analysis

Soil Testing

Pathogen Management

Pesticide Management

Computerized Precision Application

Evaluation of Site Specific Leaching and Surface Loss Potential

Pesticide Application Education and Training

Proper Equipment Calibration

Proper Timing of Pesticide Application

Read and Follow the Label Directions

Riparian Forest Buffer

Stripcropping

Agricultural Management Practices that are exempt from the Stormwater Permit, **BUT** are required to implement the proper Sediment & Erosion Control Practices during Construction Activities *

Access Road Improvement

Alternative Water Supply (Ponds, if designated)

Barnyard Runoff Management System

Constructed Wetlands

Critical Area Protection

Streambank and Shoreline Protection

Diversions

Fencing

Grassed Waterways

Irrigation Water Management

Trickle Irrigation

Nutrient Management

Anaerobic Digestion

Composting

Manure Storage System

Nutrient/Sediment Control System

Pasture Management: Short Duration Grazing System

Pesticide Handling Facility

Petroleum Product Storage, Spill Prevention and Containment

Silo Leachate Control

Terraces

Activities that **do** require the Stormwater Permit and implementation of Sediment & Erosion Control Practices during Construction Activities *

Construction Activities (that disturb greater than 1 acre):

Barns

Buildings

Houses

Silos (including Bunks)

Stock Yards or Pens

Ponds

* Activities with Total Soil Disturbance Greater than 5 Acres will require a Full SWPPP (including Water Quality and Quantity Controls) [does not include field practices]